S.B.CIVIL WRIT PETITION NO.5996/2006

Smt.Vijaya Mishra
v.
The Raj.Civil Services Appellate Tribunal, Jaipur
and others.

Date of Order :: 7th November, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Vinit Kumar Mathur, for the petitioner.
Mr. Rajesh Joshi, for the respondents.

....

By this petition for writ a challenge is given to the judgment dated 31.5.2006 passed by the Rajasthan Civil Services Appellate Tribunal rejecting the appeal preferred by the petitioner assailing validity and propriety of the order of transfer dated 24.10.2005. By the order aforesaid the petitioner is transferred from Punjla in District Jodhpur to Pisagan in District Ajmer.

It is contended by counsel for the petitioner that the tribunal failed to appreciate that respondent Smt. Kalpana Tiwari is posted at Punjla and only with a view to accommodate her the petitioner was subjected to transfer. It is also contended that there are certain other persons having longer tenure at Jodhpur vis-a-vis the petitioner but they have not been transferred.

I have gone through the judgment impugned. The learned Tribunal after considering the pleadings

reached at the conclusion that no interference in a matter of transfer is required to be made unless it is in violation of the statute or is an out come of malafides. I do not find any error in the judgment impugned that may warrant interference of this Court under Articles 226 and 227 of the Constitution of India.

In view of it the petition for writ is dismissed.

Learned counsel for the petitioner urged that the parents of the petitioner are of old age and, therefore, the respondents be directed to consider the request of the petitioner if any made by way of filing a representation for her posting at Jodhpur or at a nearby place. If the petitioner submits a representation to the respondents ventilating her grievance with regard to her posting at a place distant to Jodhpur and also making request for her posting at Jodhpur or at a nearby place then the same shall be considered by the respondents in accordance with law.

(GOVIND MATHUR),J.

kkm/ps.